

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on February 17, 2003 in Room 521-S of the Capitol.

All members were present except: Representative Tom Sawyer, Excused  
Representative Roger Toelkes, Excused

Committee staff present: Ken Wilke, Revisor  
Dennis Hodgins, Research  
Kathie Sparks, Research  
Shirley Weideman, Secretary

Conferees appearing before the committee:

**HB 2249** Proponents: Representative Brenda Landwehr  
Representative Tom Klein  
David Uhrh, Sedgwick County Commissioner  
Ben Sciortino, Sedgwick County Commissioner (written testimony only)  
Opponent: Alan Alderson, Kansas County Treasurers' Association

**HB 2213** Opponent: Mark Tomb, Kansas League of Municipalities

Others attending: See attached list.

Chairman Myers opened the hearing on **HB 2249 - Motor vehicle registration and title fees; county treasurer's special fund; expenditures, procedure.**

The chairman asked Ken Wilke, Revisor, to explain the bill. Ken said that **HB 2249** concerns the expenditure of the special funds collected by the county treasurer from fees for licenses (\$.75), transfer of license plates (\$.75), and applications for certificate of title (\$2). In section 1, paragraph (2) is added to provide guidelines for the expenditure of the fees collected.

Representative Brenda Landwehr appeared before the committee as a proponent for **HB 2249**. She said there is no oversight by anyone outside of the county treasurer's office for these funds that come from fees for license plate application, license plate transfer and applications for certificate of title. In Sedgwick County, she indicated this amounts to around \$2 million a year. Representative Landwehr gave an example in Sedgwick County where \$2,000 was misappropriated by the county treasurer and the incident was not discovered until the statute of limitations had run out. She said the main purpose of this bill is to protect and guard the people's money. (Attachment 1)

Also appearing as a proponent of **HB 2249** was Representative Tom Klein. He said he agreed with the purpose of the bill as outlined by Representative Landwehr. Representative Klein also said that the State Treasurer must go through the budgeting process and has no off-budget funds. He questioned whether these fees should be held in a separate account by the county treasurer.

Dave Uhrh, Sedgwick County Commissioner, appeared before the committee as a proponent of **HB 2249**. He said this bill makes three important changes to the current law involving the Treasurer's Special Auto Fund created by K.S.A. 8-145. First, it requires that a treasurer must follow a county's purchasing policies and procedures when expending these funds. Second, it provides for statutory bid procedures in counties that have not adopted purchasing policies and procedures. Last, it would provide much-needed oversight by requiring a county treasurer to file a quarterly report with the county clerk detailing spending from this account, which can then be easily accessed by the public, the media or other elected officials. (Attachment 2)

Written testimony was received from Ben Sciortino, Sedgwick County Commissioner, in support of **HB 2249**. He writes that since there is already a general mistrust of government and elected officials, this mistrust is intensified when money is misused or there is a perception of wrongdoing. Mr. Sciortino believes that this situation can be remedied by using a system that prevents special deals, tokens of appreciation and plain fraud by using policies and procedures that ensure monies are spent wisely. He

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on February 17, 2003 in Room 521-S of the Capitol.

indicates that the public can exercise their responsibility of removing a treasurer from office, if necessary, but that opportunity comes only once every 4 years. (Attachment 3)

Appearing before the committee as an opponent of **HB 2249** was Alan Alderson, Legislative Counsel for the Kansas County Treasurers' Association. He said that, within the last three years, the Kansas County Treasurers' Association has adopted a vehicle accounting manual which is to be followed by all county treasurers regarding the use of the special auto fund. Mr. Alderson said that he believes virtually all of the county treasurers are following appropriate accounting and other procedures regarding the use of the fund. He indicated that he is appearing before the committee asking only that this bill either be tabled or allowed to sit in the committee, in order to provide an opportunity for the County Treasurers' Association to work with the sponsors of the bill to provide the appropriate modifications to the current procedures to insure the proper use of these funds. (Attachment 4)

The conferees answered questions asked by committee members.

Chairman Myers closed the hearing on **HB 2249**.

With not many meetings left, Chairman Myers said the committee would work **HB 2249**.

Representative McLeland moved and Representative Betts seconded the motion to move **HB 2249** favorably from committee. Motion passed.

The hearing on **HB 2213 - Elections; placing special questions on ballot, timing of** was opened by Chairman Myers.

The chairman asked Ken Wilke, Revisor, to explain the bill. Ken said that **HB 2213** deals with special elections and is a procedural bill. The county clerks asked the Secretary of State's Office to request that a bill be drafted to set deadlines for a "question submitted election", so that there will be sufficient time for them to prepare ballots.

Mark Tomb, Kansas League of Municipalities, appeared before the committee as an opponent of **HB 2213**. Mr. Tomb said that this bill sets unnecessary requirements that could adversely impact local units of government. He said this bill would create gaps of just under two months between the June 10<sup>th</sup> filing deadline and the August primary, and nearly 3 months between the primary canvass and November general election, possibly delaying important policies and resulting in additional costs of separate special elections. (Attachment 5) Mr. Tomb responded to questions asked by committee members.

Brad Bryant, Deputy Assistant Secretary of State, was a guest and answered questions from the committee about the bill.

Chair Myers closed the hearing on **HB 2213**.

Committee Chairman Myers said he would work **HB 2213**.

Representative Yonally moved that **HB 2213 be amended** by striking "of" on line 18. Representative Huebert seconded the motion. Motion passed.

Representative Yonally moved and the motion was seconded by Representative Huebert that **HB 2213 as amended** be moved favorably from committee.

Representative McLeland moved a **substitute motion to table HB 2213**. Representative Huebert seconded the motion. The motion passed.

The meeting was adjourned at 5:10 p.m. The next scheduled meeting is February 19.

**HOUSE ETHICS AND ELECTIONS COMMITTEE**

**GUEST LIST**

**DATE: Feb. 17, 2003**

Your Name	Representing
Mike Repoon	Sedgwick County
DAVE UNRUH	SEDC Co. Comm.
BILL MEEK	SEDC CO REGISTER OF DEEDS
Marilyn Nichols	Register of Deeds Association
Mark Tomb	LKM
Brian P. Oliveras	Intern for Rep. Sawyer
AARON ANDERSON	KANSAS COUNTY TREASURERS ASS'N
DION LEFLER	WICHITA FALLS
Danielle Hoe	Johnson County
Diane Minear	J
BRENDA LANDWEHR	STATE REP. #91
Tyson Heaton	Saline County

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House of Representatives

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TOPEKA

**BRENDA K. LANDWEHR**  
Representative, Ninety-First District

COMMITTEE ASSIGNMENTS  
MEMBER: APPROPRIATIONS  
HEALTH & HUMAN SERVICES  
SOCIAL SERVICES BUDGET

February 17, 2003

Recent events in both Sedgwick and Shawnee Counties have revealed a flaw in K.S.A. §2002 Supp. 8-145. This statute allows for a portion of each license plate application, license plate transfer, and application for certificate of title to be collected by county treasurers' and deposited into a special fund. These funds have no oversight by anyone outside of the county treasurers' office. The discovery of this flaw has led to the proposal of H.B. 2249 in order to address and amend the problem. H.B. 2249 would increase oversight of county treasurer's spending as well as provide purchasing guidelines for "big ticket" items.

The recommended oversight include:

- Requiring County Treasurer's to file Quarterly income/expenditure reports to the Board of County Commissioners
- In counties where purchasing policies and procedures are in place, the following guidelines do not apply. However, for counties that do not have purchasing policies and procedures in place, the proposed bill provides statutory guidelines for County Treasurer's to follow with regards to Purchasing Policies and Procedures including competitive bids for expenditures exceeding \$2,000.

House Ethics and Elections  
2-17-03  
Attachment 1

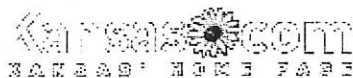
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To put this into context, all state agencies have to have their spending approved by the legislature. County Treasurers', however with regards to this special fund, are not accountable to either the state legislature or county commissioners. The proposed bill provides an oversight of funds that are currently under sole discretion and authority of county treasurers' and in some counties, the amount of money at their disposal can be a rather large sum.

Thank you for your time and consideration,

Brenda K. Landwehr  
State Representative  
91<sup>st</sup> District





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Thursday, Feb 13, 2003

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**The Wichita Eagle**

Posted on Wed, Feb. 12, 2003

**Bills seek to control treasurers' spending**

BY DION LEFLER  
The Wichita Eagle

Sedgwick County Treasurer Jan Kennedy's decision to give a no-bid contract to a client of her private accounting firm has spawned a pair of bills in the state Legislature to increase oversight of treasurers' spending.

One bill, proposed by Sedgwick County and introduced by two Wichita legislators, would require that county treasurers follow county competitive bidding practices when making purchases using a vehicle registration fund that is now controlled by the treasurer.

A second bill, proposed by a Topeka legislator and currently being drafted, would place tag office funds under the control of county commissions.

Kennedy could not be reached for comment Tuesday. A member of the legislative committee of the Kansas County Treasurer's Association said treasurers will oppose both bills.

Last year, Kennedy awarded a contract to Effective Search Inc., a now-defunct personnel agency, to reconfigure tag-office computer systems. Kennedy received about \$8,800 from the company in accounting fees over a two-year period.

Sedgwick County District Attorney Nola Foulston said an investigation by her office indicated that Kennedy's actions were illegal, but Kennedy wasn't prosecuted because a two-year statute of limitations had expired.

Kennedy has denied any wrongdoing and said she didn't seek bids because she believed Effective Search was the only local company capable of doing the work she needed.

Another treasurer controversy, this one in Topeka, has added fuel to

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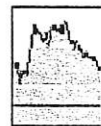


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the legislative efforts.

Shawnee County Treasurer Rita Cline is in trouble for giving a \$21,915 contract buyout to a former tag office employee, who subsequently opened a senior-care business in Springfield, Mo., with Cline as her partner.

On Tuesday, Cline announced that she has asked the employee to return \$20,456 of the buyout.

State law gives county treasurers virtually unlimited authority over tag office funds.

Authors of both bills seeking to change that said their actions were not targeting Kennedy or Cline, but that those cases did reveal flaws in the law.

House Bill No. 2249 would require treasurers to follow purchasing procedures established by their county commission and file quarterly spending reports.

The bill was introduced by Reps. Brenda Landwehr and Thomas Klein of Wichita. Landwehr, a Republican, and Klein, a Democrat, co-sponsored the bill to show that it was a bipartisan proposal, Landwehr said.

Johnson County Treasurer Dennis Wilson, a member of the treasurer's association legislative committee, said he sees the bill as unnecessary.

He said the association publishes guidelines, which most treasurers follow, recommending that they abide by purchasing procedures of their county.

"When it's been proven they failed to follow their legal and fiduciary responsibilities, the public votes them out, period," he said.

The other House bill, being drafted at the direction of Rep. Rocky Nichols, D-Topeka, would place treasurer spending directly under the control of county commissions.

Nichols said he thinks it's poor public policy to allow any single officeholder authority to spend public money without oversight.

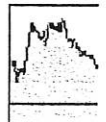
He said all state agencies have to have their spending approved by the Legislature.

"Why would we not have that exact same policy with county commissions?" he said.

Wilson said the treasurers are even more strongly opposed to

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Nichols' proposal.

"We'll fight that tooth and toenail," Wilson said.

He said in most counties, commissioners and treasurers are elected by the same voters to do different jobs.

"It's not the business of the commission to get into that (treasurer's) area," Wilson said.

Reach Dion Lefler at 268-6527.

*Contributing: Associated Press*



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Posted on Wed, Oct. 16, 2002



### Official gave client no-bid job

The county treasurer -- whose ethics are being questioned -- paid \$63,000 for work that another division offered to do at no cost to the tag office.

BY DION LEFLER  
The Wichita Eagle

In an unsuccessful effort to offer car registration at grocery stores, Sedgwick County Treasurer Jan Kennedy awarded a \$63,000 consulting contract to a client of the private accounting firm she owns.

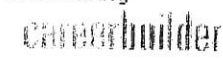
Records show that the company, Effective Search Inc., received more than 1,000 hours of consulting fees at \$60 an hour --a total of \$62,943 -- in 1999 and 2000 despite an offer by the county's Division of Information Services to do the work at no cost to the tag office.

Kennedy negotiated and approved the contract on her own authority without any bids. She paid the fees from a special tag office account over which state law gives her sole control, records show.

Kennedy said she did nothing wrong. She said she knew Effective Search's work from her dealings with them as one of her clients and that they were the best company for the job.

"Effective Search was the only company that could locate the people" needed to do the work,

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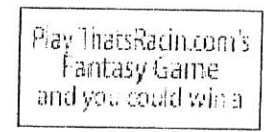


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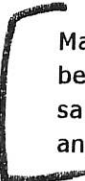
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she said.



Mary Tritsch, a spokeswoman for the state attorney general's office, said the contract could be a violation of conflict-of-interest law, but it is unclear who would enforce it. State officials said it is a county issue, but county officials said state law prevents them from doing anything.

Effective Search was a personnel agency owned by Charles C. "Chuck" Miller. Miller's wife at the time, real estate agent LaNita Roark, was one of four employees the firm provided to do the work during the 16-month contract.

The phone number for Effective Search has been disconnected, and Miller could not be reached for comment.

Roark said she has had no contact with her ex-husband for about six months and thinks he may have left Wichita.

Patrick Broz, who was manager of the tag offices until he was fired by Kennedy last week, said that the consultant provided little usable work and that the recent reconfiguration of the tag office computers was done by county and state employees.

"I would say they (the public) did not receive any value," from the contract, Broz said.

Kennedy said she fired Broz because he criticized her behind her back and she no longer trusted him.

Kennedy said some of the consultants' work was used in the reconfiguration. But she said most of the value of the work was lost when the state forbade her from farming out registration renewal services to Dillons.

Kennedy said the state Division of Motor Vehicles initially indicated it would support the project but changed its stance in fall 2000.

"I just was trying to make things easier for the people of Sedgwick County," Kennedy said. "If the state hadn't changed their minds, we wouldn't be having this conversation."

However, two former managers in Kennedy's department said she knew she was proceeding without state approval.

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**Ken Lerman**

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Judy Tuckwood, who worked for Kennedy's CPA firm and later joined her as chief deputy treasurer, said Kennedy was aware of the state's concerns before she hired the consultants.

"But she said, 'By God, we're going to do it, and that's all,' " said Tuckwood, who has returned to private-sector accounting work.

Jo Hillman, Broz's predecessor as tag office manager, said Kennedy cut her out of the decision making and forced her out of the job because of her opposition to the Dillons project.

"Jan basically said: 'I'm going to bring in my own consultant and find a way.... We'll proceed without anybody else's approval,' " Hillman said.

Broz, Hillman and Tuckwood all knew that the consultant Kennedy hired was a client of her private accounting firm.

"She did his monthly accounting and his corporate tax returns. The last year I was there, we did his individual returns," Tuckwood said.

Her former lieutenants said Kennedy never made an effort to find a firm besides Miller's.

"She just asked him. It was from her to him," Tuckwood said.

County Counsel Rich Euson said Kennedy does not have to abide by county bidding procedures when using tag office money.

Elected treasurers answer only to the voters when it comes to spending tag office funds. Kennedy was elected in 1996 and 2000 and faces re-election in 2004.

Kennedy and Miller's business relationship was not disclosed on her Statement of Substantial Interests, a form all elected officials are required to file to disclose potential conflicts.

On her forms in 1996 and 2000, Kennedy wrote that her client list was available on request. She said she withheld the list to protect accountant-client confidentiality, which the state Governmental Ethics Commission told her she could do.

Carol Williams, executive director of the commission, said an interest statement that didn't list business clients would be considered in violation if it were filed by a state official. But the

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commission does not handle conflict-of-interest reports for local elected officials, she said.

Sedgwick County Election Commissioner Marilyn Chapman said her office's only role is to act as a repository for the documents. She said she's not required or empowered to ensure that candidates fill them out correctly.

Failure to fully complete the forms is a misdemeanor, but state officials said there appears to be no enforcement authority.

"Our office doesn't, and we don't know of any office that does," Tritsch said.

Ordinarily, a county computer service contract over \$2,000 would be awarded through a process called a request for proposals, or RFP, said Kathy Sexton, assistant county manager and former director of information services.

The process defines the scope of work needed and allows different companies to make a pitch for the business, she said.

Although the county doesn't have to take the low bidder, the process helps assure competitive pricing, Sexton said. It also includes reference and background checks to ensure that the company hired can do the work, Sexton said.

In any case, Kennedy's hiring of Effective Search was unnecessary, Sexton said.

Sexton and the county's technology committee raised questions of cost and process before the contract was approved, according to memos obtained through the Open Records Act.

According to the committee, "It sounded like too much money just to design the system and develop specifications," Sexton wrote in a May 1999 memo to Kennedy. "Simply put, what will you get for \$62,400?"

In the memo, Sexton offered to have her department do the work.

In a reply, Kennedy turned down the offer.

"As I said to you, it's not that I.S. (information services) can't do it; it's that they do not have enough people, resources, etc., to get it done," Kennedy wrote. "I've been begging for over one year with nothing to show for it. I can no longer wait."

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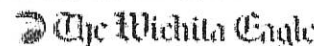
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Posted on Thu, Oct. 17, 2002

#### OUR VIEW

## Mishandled

No-bid contract wasn't right or smart

Sedgwick County Treasurer Jan Kennedy apparently has the authority to approve a no-bid contract. But that doesn't make it right or smart.

As reported in a story in Wednesday's Eagle by Dion Lefler, Ms. Kennedy hired Effective Search to develop a vehicle-registration renewal service at area Dillons grocery stores. She negotiated and approved the \$63,000 contract on her own, without requesting any other bids.

Ms. Kennedy says she chose Effective Search because it was the only company that could do the work. But without even asking other companies to compete for the job, how does she know that? How do taxpayers know that?

But that's not all that is disturbing:

Effective Search was a client of Ms. Kennedy's private accounting firm, raising a conflict-of-interest concern -- which she didn't report.

The county's Division of Information Services offered to do the work for free.

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Ms. Kennedy initiated the Dillons project without first receiving approval from the state Division of Motor Vehicles. And in fall 2000, the state forbade her from farming out the services, so most of the consulting work went down the drain.

Another big concern is that there does not appear to be much oversight of the treasurer's office. State officials say that while the contract may have violated conflict-of-interest law, it is a county matter. But county officials say that state law prevents them from doing anything.

State lawmakers need to clear up this confusion next session and create more accountability for how county treasurers spend funds, including requiring bids on large contracts.

In an unrelated but also disturbing issue, the state Governmental Ethics Commission is holding a hearing today on Ms. Kennedy's failure to correct campaign-finance reports, despite being sent three separate notices.

To her credit, Ms. Kennedy has tried as treasurer to improve customer service, which was the aim of the Dillons project. But she badly mishandled this contract and her campaign reports. Taxpayers deserve better.

*For the board, Phillip Brownlee*



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**TESTIMONY HB 2249**  
**Before The House Committee on Ethics and Elections**  
**February 17, 2003**

Honorable Chairman Myers and members of the committee, I appreciate the opportunity to testify before you this afternoon in support of HB 2249. My name is Dave Unruh and I am the 1<sup>st</sup> district County Commissioner in Sedgwick County. I am here to testify on behalf of the Board of County Commissioners of Sedgwick County in support of HB 2249.

HB 2249 makes three important changes to current law involving the Treasurer's Special Auto Fund created by K.S.A. 8-145. First, it requires that a Treasurer be required to follow a county's purchasing policies and procedures when expending these funds. Second, it provides for statutory bid procedures in counties that have not adopted purchasing policies and procedures. In essence it would require taking the lowest and best bid for goods and services over \$2000, subject to reasonable guidelines. And third, it would provide much needed oversight by requiring a County Treasurer to file a quarterly report with the County Clerk detailing spending from this account which can then be easily accessed by the public, media or other elected officials.

By way of background, K.S.A. 8-145 provides that the County Treasurer shall deposit \$.75 of each license application, \$.75 out of each application for transfer of license plate and \$2 out of each application for a certificate of title, into a "special fund." This fund can be used for giving a Treasurer additional compensation, pay for employees, and pay for "expenses incidental to the administration" of the motor vehicle title and registration laws. In Sedgwick County this fund can reach amounts of over \$2 million per year. This statute was originally enacted in 1922. Until 1937 the money collected from these fees (only 10 cents back then) was deposited into the county general fund. Apparently because of a dispute between the treasurer and county commissioners in Johnson County, the law was changed in 1937 to have the monies go into a special fund for the treasurer. In 1944, the Kansas Supreme Court in *Wyandotte County Comms. v. Ferguson* made it clear that the authority for expenditures from the special fund was under the supervision and total control of the county treasurer and not in the board of county commissioners. This same position has been reiterated in subsequent attorney general opinions.

So if county commissioners have no control over these funds and cannot direct how a treasurer spends these monies, then who has oversight responsibility for ensuring that these taxpayer-generated funds are spent honestly and wisely? The answer is no one. All control over these funds is

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**"...To Be The Best We Can Be."**

Attachment 2

in the complete and unchecked authority of one person—the county treasurer. When the Sedgwick County Treasurer negotiated and approved a \$63,000 no-bid contract with a client of her private accounting firm there was no recourse that Sedgwick County could take to deny this arrangement. The Sedgwick County District Attorney investigated this incident and determined that the Sedgwick County Treasurer may have violated conflict of interest statutes subjecting her to a Class B Misdemeanor, but that the two—year statute of limitations had run and thus no prosecution could take place. When the Wichita Eagle broke this story last October, it was reported that a spokeswoman with the attorney general’s office “...said the contract could be a violation of conflict of interest law, but it is unclear who would enforce it. State officials said it is a county issue, but county officials said state law prevented them from doing anything.”

How would this situation have been any different with if HB 2249? In Sedgwick County we have adopted a Charter Resolution that establishes purchasing policies and procedures for all county departments, the judges and employees of the 18<sup>th</sup> Judicial District and county elected officials. The County Treasurer is required to follow these procedures when expending other funds budgeted by the County. Our purchasing policies require that purchases over the amount \$1500 go through our Purchasing Director. Purchases of over \$10,000 go through a sealed bid process for review by the Sedgwick County Board of Bids and Contracts. In fact, the Sedgwick County Treasurer sits on the bid board and reviews these purchases. There is a procedure for using requests for proposals for consulting contracts and the Sedgwick County Purchasing Director would determine if there were multiple vendors that could submit a proposal or whether it was a sole source item. Contracts such as the one entered into by the Treasurer would normally have gone through a request for proposal process, initiated by the Purchasing Department, and then review by the Sedgwick County Board of Bids and Contracts. This board would then send its recommendation to the Board of County Commissioners for final approval in a public meeting. It is highly unlikely under this scenario that someone in the purchasing department, board of bids or county commission would not have noticed that the Treasurer was trying to steer the contract to her former client.

But I’m not up here today testifying in support of this legislation because of the incident that occurred with the Sedgwick County Treasurer. In fact I wasn’t even sworn in as a county commissioner until January of this year and was not even in office when those events took place. I am here because I am concerned about the future spending of tax dollars by the County Treasurer in Sedgwick County and county treasurers in all 105 Kansas counties. It is not good public policy to have large sums of taxpayer money in a “special fund” under the complete control of one person.

The Treasurers will argue that their state organization already recommends to their members that they follow a county’s purchasing policies and procedures. In effect, the Treasurer’s want to be on the honor system and not have such policies enacted into state law. We have already seen in Sedgwick County and Shawnee County that this doesn’t work. In how many other counties could there be similar issues? The taxpayers and citizens of the State of Kansas deserve better.

For the above reasons I strongly urge your support of HB 2249.



***Ben Sciortino***

*Commissioner – Fifth District  
CHAIRMAN*

*Board of County Commissioners  
Sedgwick County, Kansas*

**TESTIMONY HB 2249  
Before The House Committee on Ethics and Elections  
February 17, 2003**

Honorable Chairman Myers and members of the committee, I appreciate the opportunity to submit written testimony in support of HB 2249. My name is Ben Sciortino and I am 5<sup>th</sup> district County Commissioner and immediate past chairman of the Sedgwick County Board of County Commissioners. I am submitting this testimony in addition to other testimony being presented by the Board of County Commissioners of Sedgwick County in support of this legislation.

HB 2249 would provide needed oversight in the Treasurer's Special Auto Tag Fund by adding language to KSA 8-145. The first change would require the Treasurer to follow the County's purchasing policies and procedures. Second, it creates guidelines for those counties that do not have purchasing regulations. The third change would require quarterly filings with the County Clerk to again assure some oversight.

Sedgwick County supports such legislation that would create oversight and controls to assure that Treasurers do not mishandle tax dollars. Unfortunately there is already a general mistrust of government and elected officials. This mistrust is intensified when money is misused or there is a perception of wrongdoing. This situation can be easily remedied by using a system that prevents special deals, tokens of appreciation, and plain fraud. This system is the use of policies and procedures that ensure that monies are spent wisely. Why would anyone not want to use a process to assure fairness to all our citizens since we are spending their money? We need to remember that—but too often I think this is forgotten.

Governments at all levels should build in checks and balances; processes that require and assure accountability. County Commissioners are held accountable by state statutes, county policies and most importantly, other Commissioners. Any action we take in spending the public's money must receive approval by the majority of the commission at a public meeting.

And finally, while it is true that the voters are ultimately responsible for whether a public official will stay in office, in the case of elected Treasurers, the public can exercise this choice only once every four years. A Treasurer that misuses public monies and operates without necessary checks and balances can inflict much damage on the reputation of that office and all public office holders as well.

For the above reasons Sedgwick County strongly supports HB 2249.

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Attachment 3



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LICENSED TO PRACTICE IN  
KANSAS AND MISSOURI

MEMORANDUM

TO: Members of House Ethics and Elections Committee

FROM: ~~AF~~ Alan F. Alderson, Legislative Counsel,  
Kansas County Treasurers Association

DATE: February 17, 2003

RE: House Bill No. 2249

I am Alan Alderson, Legislative Counsel for the Kansas County Treasurers Association. I appreciate the opportunity to appear today in opposition to House Bill No. 2249.

I have represented the Kansas County Treasurers Association for nearly 20 years, and am very familiar with the history of the statute in question, the intended purpose of the special auto fund and the appropriate uses therefor.

Please be aware that, within the last three years, the Kansas County Treasurers Association has adopted a vehicle accounting manual which is to be followed by all county treasurers, regarding the use of the special auto fund. We believe virtually all of the county treasurers are following appropriate accounting and other procedures regarding the use of the fund.

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Attachment 4

House Bill 2249 is believed to have emanated from what is perceived as an abuse of the special fund in one or two counties of this state. Given the longevity of the fund and the appropriate purpose and uses of the fund by almost all county treasurers, we believe any modification of the legislation creating the fund needs to be considered carefully.

The special auto fund was created by the legislature in 1937 and was intended to provide funds to county treasurers to compensate for the performance of state functions at the local level -- the issuance of titles, registrations and driver's licenses (in about half of the counties).

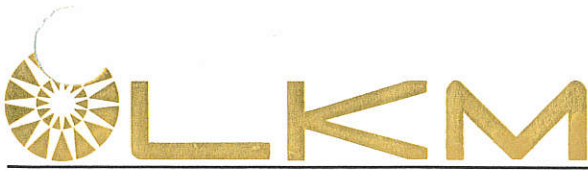
At least once a year, I speak to all county treasurers at Association meetings in order to make sure any new treasurers are fully informed on the appropriate uses of this fund. We are not opposed at all to having proper procedures and full disclosure of the funds and the expenditures from these funds. Neither are we asking you to kill House Bill No. 2249.

We would ask, however, that this bill either be tabled or allowed to sit in the committee in order to provide an opportunity for the County Treasurers Association to work with the sponsors of the bill directly in order to provide whatever assurances and appropriate modifications to our procedures are felt to be necessary. Especially now that budgets have been built around these anticipated funds for many, many years, any modification to K.S.A. 8-145d needs to be carefully considered. The Kansas County Treasurers Association is

committed to working with the sponsors or their designees to insure the proper use of these funds.

I would be happy to answer any questions that I am able to address on this bill.





League of Kansas Municipalities

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To: House Ethics and Elections Committee  
From: Mark Tomb, Intergovernmental Relations Associate  
Re: Opposition to HB 2213  
Date: February 17, 2003

Thank you for allowing me to appear on behalf of the League of Kansas Municipalities and our member cities. We appear today in opposition to HB 2213, regarding the timing of placing special questions on the ballot.

Cities use special questions to address a wide range of issues impacting government operations and funding. This bill sets unnecessary requirements that could adversely impact local units of government. It is conceivable that the issues leading to a special question could fully surface after the deadlines designated in HB 2213, but still in plenty of time to complete all the current legal requirements necessary for such an election.

This bill would create gaps of just under two months during the June 10<sup>th</sup> filing deadline and the August Primary, and nearly 3 months between the Primary Canvass and November General Election. Legislation establishing a time table for ballot inclusion during these elections could result in the delay of important policies and could result in additional costs to taxpayers to fund separate special elections.

We believe that existing law sufficiently addresses this issue and provides for a necessary level of discretion at the local level.

Again, thank you for allowing LKM to comment on this proposed legislation. I would be happy to stand for questions.